



7-06-04

#21 \$DAE  
CC  
A

PATENT  
Customer No. 26874

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Varnau : Paper No:  
Serial No. 09/316,876 : Group Art Unit: 3723  
Filed: 5/21/99 : Examiner: Lee D. Wilson  
For: **FLEXIBLE HYDRAULIC VISE**

**PETITION PURSUANT TO 37 CFR §1.137(b) TO REVIVE UNINTENTIONALLY  
ABANDONED APPLICATION**

**VIA EXPRESS MAIL**

MAIL STOP: Petition  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JUL 12 2004

**OFFICE OF PETITIONS**

**ATTENTION: Office of Petitions  
Crystal Park One, Suite 520  
(M.P.E.P. § 1002.02(b), 7<sup>th</sup> ed.)**

Dear Sir:

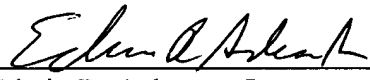
1. Applicant petitions for revival of this application.
2. The entire delay from the due date in responding to the outstanding Office Action, dated July 17, 2002, until the filing of this petition was unintentional.
  - a. In response to the July 17<sup>th</sup> Office Action, Applicant filed a Continued Prosecution Application on January 17, 2003, along with a request for a three month extension of time. By letter dated March 14, 2003, the USPTO indicated that the CPA application was constructively treated as an improper RCE.
  - b. A Notice Of Abandonment dated March 18, 2003, was subsequently received by the undersigned's office on March 24, 2003. For reasons unknown and contrary to the standard practice of the undersigned's firm, at the time of receipt, the Notice was not forwarded to the Applicant or to the undersigned. Additionally, receipt of the Notice was not placed on the undersigned's docket, so it was not reviewed during any of the undersigned's weekly docket meetings. This lapse in normal procedure may be explained by the fact that a Notice of Abandonment was expected since that is standard procedure for the prior application of a CPA is automatically abandoned.

c. In the course of advising the inventor in regard to another matter, the undersigned became aware of the Notice Of Abandonment, advised the client thereof and, immediately began preparation of the accompanying response to the outstanding Office Action and then this petition to revive for unintentional abandonment.

3. The petition fee under 37 C.F.R. § 1.17(m) of \$ 665.00 (small entity) is enclosed.
4. The response to the July 17, 2002, Office Action is filed herewith.
5. This application was filed after June 8, 1995, and a terminal disclaimer is not required.

Respectfully submitted,

Bernard T. Varnau

By   
Edwin R. Acheson, Jr.  
Registration No. 31,808  
Attorney for Applicant(s)

FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 651-6708



Serial No. 09/316,876  
Customer No. 26874

**CERTIFICATE OF MAILING**

“Express Mail” mailing label number

EV 316082249 US

July 2, 2004

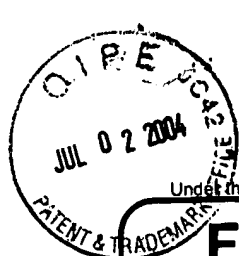
Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MATTHEW GOWE-BURGER

(Type or print name of person mailing paper of fee)

Matthew Gowe-Burger  
Signature



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

**Complete if Known**

Application Number 09/316,876

Filing Date 5/21/99

First Named Inventor Bernard T. Varnau

Examiner Name Lee D. Wilson

Art Unit 3723

Attorney Docket No. 69849 0468297

**RECEIVED**

JUL 12 2004

**OFFICE OF PETITIONS****METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		
Independent Claims		-3** =		X		
Multiple Dependent						

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	665.00
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)

Edwin R. Acheson, Jr.

Registration No.  
(Attorney/Agent)

31,808

Telephone 513-651-6708

Signature

Date

6/30/04

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.